FBI Ex-Aide Challenging U.S.

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The lawyer for a former top FBI official charged with a civil-rights conspiracy said he will ask a federal judge to dismiss the charges because the Justice Department has failed to comply with the judge's order to turn over hundreds of relevant government documents needed to prepare the official's defense.

Brian P. Gettings, lawyer for FBI former deputy director W. Mark Felt, has written U.S. District Court Chief Judge William B. Bryant informing him that the government's production of documents last week, under an order issued by Bryant, did not meet the order's requirements.

Felt is charged with FBI former acting director L. Patrick Gray III and FBI former intelligence chief Edward S. Miller, with conspiring to violate the civil rights of friends and relatives of members of the Weather Underground in the early 1970s by approving allegedly illegal break-ins of their homes.

In a letter delivered Monday to Bryant, Gettings cited 10 categories of documents that the government should have turned over to defense lawyers but has not.

According to Gettings, the government has not provided "at least 500 documents from foreign governments relating to the foreign travel and contacts of members of the Weatherman Underground Organization and their collaboration with agents of foreign powers which were received by the FBI and/or contained in the files of the FBI. . . ."

Gettings also cited documents relating to the National Security Agency, records concerning surreptitious entries "other than those charged in the indictment," and documents "tending to show presidential and attorney general approval" of surreptitious entries as among those also withheld.

Gettings said his motion to dismiss the charges against Felt will be filed Friday.